

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.7521/2018

A.Balaji

Petitioner

Vs

1.The District Collector
Collectorate, Cuddalore District.

2.The District Revenue Officer
O/o.The District Revenue officer
Cuddalore.

3.The Tahsildar
Taluk Office, Veppur.

4.The Block Development Officer
Mangalore Panchayat Union
Mangalore.

5.Kamalakkannan

6.Poongavanam

7.Chinnasamy

8.Rajavelu

9.Muthaiya

Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 to 4 to initiate suitable action in pursuant of G.O.Ms.No.No.540, Revenue [LD6[2]] Department dated 04.12.2014 to remove the encroachments in SF.No.342/1, 324/4, 348/1 and 348/2 which is situate at Oorangur Village, Veppur Taluk, Cuddalore by respondents 5 to 9.

For Petitioner : Mr.P.Saravanan

For RR 1 to 4 : Mr.R.Udhayakumar, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4.

2 The petitioner claims to have been owning agricultural lands in Oorangur Village, Veppur Taluk, Cuddalore District and on an earlier occasion, he filed OS.No259/2015 on the file of the Court of District Munsif-cum-Judicial Magistrate, Thittakudi, against private respondents herein, praying for a declaration that the water course and common pathway in Government Poramboke in S.No.342, admeasuring to an extent of 42 Ares situate at Oorangur Village, Veppur Village, Cuddalore District, belong to him and to cancel the patta granted in favour of the defendants 1, 2 and 5 therein and also for a mandatory injunction to remove the encroachment caused by the defendants 7, 8 and 9. The said suit has ended in compromise wherein the private respondents had agreed not to cause obstruction in the common pathway situate in the said land and as a consequence, the suit came to be dismissed on 27.04.2016.

3 The learned counsel for the petitioner would submit that despite such a compromise, the private respondents herein, continue to occupy the land classified as water course in S.Nos.342, 348 and 349 of the said village and invited the attention of this Court to the proceedings of the 3rd respondent dated 08.11.2016 in Na.Ka.A1/2982/2016 wherein a direction has been given to the 4th respondent to remove the said encroachment and it is also followed by a notice issued u/s.7 of the Tamil Nadu Land Encroachment Act, 1905, dated 06.10.2016 and though nearly two years had lapsed, no action has been taken to remove the encroachment and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

4 The Court heard the submissions of Mr.R.Udhayakumar, learned Additional Government Pleader appearing for respondents 1 to 4 and he would submit that further follow-up action would be taken under the provisions of the Tamil Nadu Land Encroachment Act, 1905, to remove the encroachments made in the said survey numbers.

5 The Court has considered the rival submissions and also perused the materials placed before it.

6 The office of the Revenue Divisional Officer, Vridhachalam, has also sent a Memo dated 24.10.2017 in Na.Ka.A1/4018/2017 to the 4th respondent, with a copy marked to the writ petitioner herein, to remove the encroachments by following G.O.Ms.No.540, Revenue [LD6[2]] Department dated

7 This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the 3rd respondent to take up the follow-up action for removal of the encroachments said to have been caused by the private respondents 5 to 9 herein in respect of the land classified as water course in Government Poramboke in RS.Nos.342, 348 and 349 of Oorangur Village, Veppur Taluk, Cuddalore District, after putting them on notice and subject to legal interdict, if any, and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 5 to 9 herein.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

AP
To

- 1.The District Collector
Collectorate, Cuddalore District.
- 2.The District Revenue Officer
O/o.The District Revenue officer
Cuddalore.
- 3.The Tahsildar
Taluk Office, Veppur.
- 4.The Block Development Officer
Mangalore Panchayat Union
Mangalore.

+1cc to Mr.P.Saravanan, Advocate, S.R.No.24191

+1cc to the Government Pleader, S.R.No.24602

WP.No.7521/2018